

DOUGLAS T. SLOAN, City Attorney
CITY OF FRESNO

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Attorneys for the CITY OF FRESNO

RE:

**RECORDS REGARDING
SENATE BILL NO. 1421
RECORDS PERTAINING
TO CHRISTOPHER MARTINEZ**

**RESPONSE TO PUBLIC RECORDS
ACT REQUEST FOR DOCUMENTS
(Gov. Code, § 6250 et seq.)**

The City of Fresno (City) responds to a request pursuant to the California Public Records Act (Gov. Code, § 6250 et seq.) by CJ Ciaramella via MuckRock News, regarding **all available misconduct records or serious use-of-force investigations regarding Fresno Police Department officer Christopher Martinez under Senate Bill 1421's amendments to California Penal Code sections 832.7 and 832.8**, as follows:

Request No. 1 – Records related to any incident where a law enforcement officer fired a gun at a person (regardless of whether someone was hit), or used force that resulted in serious injury or death: The City objects to and is unable to produce records responsive to this request to the extent: (a) it seeks disclosure of records pertaining to a pending investigation; (b) the records sought pertain to a pending litigation, and the records are sealed by a Federal Protective Order that governs the litigation; (c) there is a pending criminal investigation; and (d) delaying disclosure of the records clearly outweighs the public interest in disclosure. (Gov. Code, § 6255(a).) A supplemental response to this subpoena will be provided by February 18, 2020.

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1 **Request No. 2 – Records related to incidents where the agency found that an officer**
2 **committed sexual assault against a member of the public—which includes attempts to coerce**
3 **sex or proposition sex while on duty:** After a diligent search and reasonable inquiry of the City's
4 records, the City did not locate any records responsive to this request.

5 **Request No. 3 – Records related to incidents where the agency found that an officer**
6 **engaged in dishonesty in the investigation, reporting, or prosecution of crime or police**
7 **misconduct which could include filing a false report, testifying untruthfully, or planting**
8 **evidence:** After a diligent search and reasonable inquiry of the City's records, the City did not
9 locate any records responsive to this request.

10 DATED: September 13, 2019.

Respectfully submitted,

DOUGLAS T. SLOAN
City Attorney

By: 

FRANCINE M. KANNE
Chief Assistant City Attorney
Attorneys for CITY OF FRESNO

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PROOF OF SERVICE
CCP §§ 1011, 1013, 1013a, 2015.5
FRCP 5(b)

STATE OF CALIFORNIA, COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over the age of 18 and not a party to the within action; my business address is 2600 Fresno Street, Fresno, CA 93721-3602.

On September 13, 2019, I served the document described as **RESPONSE TO PUBLIC RECORDS ACT REQUEST FOR DOCUMENTS** on the interested parties in this action ☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list: ☒ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

CJ Ciaramella
Via MuckRock News
DEPT MR 79222
411A Highland Avenue
Somerville, MA 02144-2516
Email: 79222-90653485@requests.muckrock.com

☐ BY MAIL ☐ I deposited such envelope in the mail at Fresno, California. The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY PERSONAL SERVICE) I caused such envelope to be hand delivered.

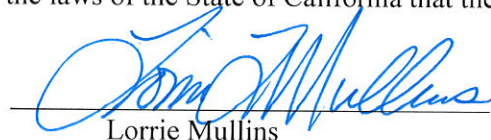
☐ (BY FAX) I caused the above-referenced document to be transmitted by fax to the addressee(s) at the fax number(s) shown.

☐ (BY OVERNIGHT COURIER) I caused the above-referenced envelope(s) to be delivered to an overnight courier service for delivery to the addressee(s).

☒ (BY ELECTRONIC MAIL) I caused the above-referenced document to be transmitted by electronic mail (e-mail) to the addressee(s) at the e-mail(s) shown.

Executed on September 13, 2019, at Fresno, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Lorrie Mullins